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AUTHORITY ABUSED
BY
The VINDICATION
Of the Last Years *Transactions*,
AND
The ABUSES DETECTED;
WITH
INLARGEMENTS upon some Particulars
more briefly touched in the *Reflections* upon the Occur-
rences of the Last Year.
TOGETHER WITH
Some NOTES upon another Vindication, Entitled, *The*
Third and Last Part of the Magistracy and Government of
England Vindicated.

By the Author of the REFLECTIONS.

Magna est VERITAS, & Prævalebit.

L O N D O N,
Printed in the Year MDCXC.

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TO THE
KING.

S I R,

W H E N I first came-in to you to
Sherborn, I came with as much Ap-
petite, though in an infirm Condi-
tion, to engage in the same Cause
with you, as I could have done to a good Meal
when an hungred. And though you are now set-
led in the Throne, and the Storms of War which
then threatned this Nation, long since blown over:
Yet I have reason to believe I may run some Danger
in what I now do for the Service of your Majesty
and my Country. And though I doubt not of the
Protection of Almighty God, and the powerful
Supports of Truth, Justice, and a good Conscience;
yet because it is my Duty to neglect no honest Means
for my Safety and Quiet, having here performed an
Act of Great Fidelity to your Majesty, and the Go-
vernment of my Country, I do claim as my Right

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To the KING.

the Protection of both for my self, and my Labours. I have not written one Syllable which I do not believe to be true ; nor have I forbore a Word, which I thought pertinent to my Subject, and necessary to your Service. And this being done, not out of Discontent for any Disappointment
* *Unworthily suggested, not without the Check of his own Conscience,* by the Writer of the Vindication. p. 30. * *in quest of some Place,* (for I never sought any, though I my self, with Five Sons, are all ready to serve you, if you please to command it) nor to serve any Faction or Party ; but sincerely to preserve one of the Noblest Governments in the World, (as I have long thought it) to serve a Just and Noble Cause, (as I have else where, though briefly, proved) to serve my Country, to serve your Majesty, and, which is above all, to serve Almighty God, is such an Act of Fidelity, as is too rare to be met with in this Nation at this time : And I know you cannot desert me in it, without deserting (more or less) all that I have endeavoured to serve : Nor can any one hurt or molest me (an innocent Man, and endeavouring to do good) without bringing greater hurt upon themselves : (Whereof he who gave occasion of this Writing may be an Example :) And besides, without striking at your Majesty and the Government, to say no more.

For the same intent and purpose, besides what I have said in the following Sheets in common, I must
crave

To the KING.

crave the Favour of *a few Words to your self* in particular: God by his Providence has brought you to one (as I said) of the Noblest Governments in the World: That You and these Nations may enjoy the Compleat Benefit of so great a Favour, these things, I will presume to say, are necessary, nay absolutely necessary, on your part. First, That you be very careful to keep up such a firm and quick Sense of the Providence of God in these things, that your Heart be neither so lifted up with any high Conceit of your self for what you have already gotten, nor so involved in Cares and Endeavours to keep that, or get more, that you forget him, and either take up with the Enjoyment of these things, and neglect the further Prosecution of his Service; or deserting your Confidence in him, decline to vulgar Policies for your own Security or Advantage.

Secondly, That often contemplating the unconceivable Excellence of the Divine Majesty, which hath given Being to, and governs this vast Universe, whereof the whole Earth is in comparison of the rest but a Point, and raising *your Soul* above these transient things which the Vulgar admire, you look upon the *Acceptance of a Crown* as an *Act of Charity* to poor Mortals, but your *only true Glory* to consist in the Approbation of that excellent Majesty, and of his Glorious, though to us Mortals Invisible, Ministers. Such as is the Applause and Admiration

To the KING.

of the Rabble to a great King ; such, and no more, is the Applause and Admiration of the greatest of Mortals to a truly Wise Man, without the Approbation of the Celestial Spectators.

Thirdly, That assuring your self that you are *raised up by the Providence of this Glorious Majesty for his Service* in these Nations at least, if not further, you generously prosecute the same with all Fidelity, according to his Will and Pleasure, that is, his Eternal Laws of Righteousness, his Express Instructions and Commands, and the Constitution and just Laws of this Government and Nation, which is the special Ordinance of God for this People, that is, ordered and preserved by his Providence.

Fourthly, That for that purpose you generously and faithfully endeavour to *improve all the Advantages* put into your Hand, and Talents committed to your Trust, for the Honour of his Name, Worship, Laws and Institutions ; that is, the Exemplary Authority of your Royal Person, and of your Royal Family, (conniving at no vitious Persons there, though otherwise never so great or necessary) the Dispensations of your Honours and Favours, and the strict Execution of the Laws, which is your proper part in the Government. The doing of this magnanimously, slighting the vulgar Prudentials of Animal Politicians, is that which in the Sacred Scripture is called Faith, and highly recommended. But to
boggle

To the KING.

boggle at any of this, will be dangerous to you, and may produce as great Disappointments as those of the last Year, and make your Counsels prove Abortive, and it may be as destructive as King *James's* did by the like means. You have begun well in your Letter to the Bishops ; but the like Care is to be taken that the Laws be strictly executed by the Judges and Civil Magistrates. Nor would this Debase, but Improve your Military Discipline, and make it more prosperous and successful.

Fifthly, That to this end and purpose also you inform your self, as well as may be, concerning *the true Constitution of the English Government*, and your own Part therein, that you neither neglect, nor exceed your Duty, or fall into any of the unhappy Mis-carriages of some of your Predecessors, but wisely and religiously contenting your self with what has been conferred upon you, and justly belongs to you, to the others you generously secure to each their own.

Sixthly, That for Information in these matters you rely upon no private or secret Counsellors, but in the Intervals of Parliament, consult the Privy Council and Judges ; and the great Council of the Nation, as soon as may be : This it was which raised you to the Throne. It is their Interest to preserve the Honour and Majesty of the Monarchy, and they will certainly do it. And it was nothing but the Craft of ill Men, who kept our late Princes in continual Jealousies

To the KING.

houses of Parliaments, to hold up a Faction for their own Advantage.

Seventhly, That if upon good Information you find that this is a *mixt Government*, composed of the Three Simple Forms, the Enquiring Part belonging more specially to the Commons, the Judiciary to the Lords, the Consultary and Legislative to the King, Lords and Commons, and the Executive to the King, which I believe is the truth, upon this Consideration, you look upon the Whole as one great Body, whereof your self is indeed the Head in Honour and Degree, but in effect rather the Hand, or if you will, the Right Hand; but however a Part: And therefore that you always retain a great Respect for this Noble Body, treating them with all Honour and Affection, reputed their Honour and Interest your own, as Yours is Theirs, and will be so treated by them, if a fair Correspondence be kept up between you; which will make you not only beloved at home, but dreaded abroad.

Eightly, That you be very tender and cautious of invading *their Rights*, or neglecting *their Counsel*, in any matter of Importance; but especially of holding up any *Favourites* against them; and to that end that you be very jealous of that Generation, and those particular Persons, who have been the Authors or Propagators of *False Notions* concerning the Constitution of this Government, or of *Evil Counsels*
and

To the KING.

and Courses among your Predecessors; and more especially those, who have already by any *Evil Counsels* or Unfaithfulness in not well informing you, betray'd your self into any Inconvenience: Whereof, if you please to command me, I shall be ready to give you some plain Instances.

Ninthly, That you endeavour wisely to *compose the Dissentions, and allay the Heats and Animosities of the Nation*, and to unite all in a mutual Assistance for the Common Interest. *Our Divisions, and the Heats of our Dissentions*, are for the most part the Reliques of Popish Practices, and Effects of Evil Policies of Courtiers. These have both conspired for different ends to divide us both in Church and State, and to impose upon the People; so that it is the truest Wisdom and greatest Interest of this Nation to endeavour so much the more for an Union; and to that end to detect their Impostures. This Government is in truth a Noble Commonwealth in the Root and Body, accommodated with the Advantage, and adorned with the Honour and Majesty of a Monarchy in the Execution. Crafty Men observing this, have practis'd the Division in this manner. First, By putting the Kings upon illegal Projects, till that produced Jealousies of Arbitrary Designs, and then improving those to the raising of the like Jealousies in those unhappy Kings of Republican Conspiracies. Thus were multitudes imposed
b upon :

To the KING.

upon : Whereas the Subversion of the *Commonwealth* to support the *Monarchy*, is no less Folly, Madnesse and Treachery in an English Man, than is the pulling down the *Monarchy* to support the *Commonwealth*. Nor can any thing endanger our Monarchs but themselves, by adhering to Evil Counsellors, rejecting or declining the Advice of the Great Council of the Nation, and violating their Rights.

Lastly, That to this purpose you avoid all Favour and Encouragement to any Faction ; and make no other difference between Persons, but what the Law hath made ; except only between the *Virtuous* and the *Vicious*, and between such as may safely be *trusted*, and such as may not, (for which end for Parliament-Men, and persons admitted to great Offices of Trust, and Bishops, a Recognition by Act of Parliament may be necessary;) but by a constant tenor and course of your Actions demonstrate a cordial and universal Affection to All, and a great Zeal and Activity for the Service of God, and for the Peace, Safety and Prosperity of the Nation.

By these Means you will be a compleat King, and rule in the Hearts of the People: These will produce in them such a Trust and Confidence in you, as will make your Government exceeding easie ; and such a Government will make your Name Honourable in the Roll of our English Kings : But if you once set up for a Separate Interest, strike-in
with,

To the KING.

with, and make your self the Head of any Faction; give your self up to the Conduct of particular Favourites, suffer the Publick Revenue and the Treasure of the Nation to be squandred away without any Account, and the People to be injur'd by Exactions and Delays of Officers, and tread in the steps of your Predecessors of the last Race, you will *ipso facto* cease to do the part of a King, violate the Trust reposed in you, and your Coronation Oath; and deceiving the Expectations of all Men, after such a Succession of Kings, raise such Prejudice against Monarchy it self, as may indanger this Noble Government, and the Settlement of the Nation, and make your Name inglorious to all Posterity. But these are things so inconsistent with the Reasons, for which you was invited hither, the Causes of your Expedition expressed in your own Declaration, the Ends for which the Crown was first offered to you, and after set upon your Head, the Honour and Safety of your Government, and, which is more than all, the Righteous Laws of God, (who, as we hope, raised you up to be an Instrument of Mercy, not of Vengeance to This Nation) as no Man, who believes the Character we have received of your great Vertue, can easily fear from you, though the notorious Miscarriages of the late Reigns may have left some Impressions upon the Minds of some, which yet I hope Experience of your Prudence and Justice will
totally

To the KING.

totally expunge. And I pray God give you (as I hope he will) true Wisdom to know Him, to discern His Hand in these things, and what He expects from you ; to know what is your proper Part in this great Affair, and to be more careful to discharge it well, than to enlarge it beyond its just Bounds ; and that all true Happiness may always attend your Majesty.

Your Majesties

most Faithful

and

Obedient Subject.

AUTHORITY ABUSED,

BY THE

Vindication of the Last Years *Transactions*,

AND

The ABUSES DETECTED

By the Author of the *Reflections*.

OF a great many *Evil Arts and Practices*, which in the late Reigns were used for the Subversion of the True English Government, and Suppression of the most ancient common Rights of the People of these Nations, one that was most constantly used for that purpose, was the Employment of *Mercenary Writers* to put a colour of Words and Oratory upon those things, for which they had no colour of Law. And it would be a sad case with us, if after so glorious a Deliverance, we should be already so far deserted by the Divine Providence, as to stand in need of any such Practices or Assistance: Yet so it should seem to be, unless the Pamphlet Entituled, *The last Years Transactions Vindicated*, be a bold and impudent Imposture. For it will not be hard to prove, That that Pamphlet is a False, Scandalous and Impious Libel: And to Print it not only as under the *Patronage* of a Chief Secretary of State, but expressly as *Published by Authority*, is either an Act of impudent Imposture, and a Cheat or Abuse; or it may be feared we are again relapsing into the same unhappy Circumstances. But I suppose I shall make it appear, that there is a *double Imposture* in it, that is, That neither had the Writer that Authority for what he did, which was design'd he should be thought to have had; nor was it

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designed

designed sincerely to serve the Publick Authority of the Nation, the Present Government ; but to cover the Evil Practices of those Persons, who were the Authors of our Disappointments the last Year, that they may the better do the like again this. And probably, if the business be well examined, he will be found to have been employed by some of them (who are therefore the proper Authors of it) for that end ; and not by that Honourable Person, whom they have made so bold with by this Dedication of *what's written* (as he saith) *in Defence of others.*

There are *three Phrases* by which usually the Leave of Authority for the Publication of Books is briefly expressed. The most common is *Licensed* ; which signifies a written License under the Hand of some Person authorized to give it. Another is *with Allowance*, which implies a Verbal Leave, but of some Person of great Place and Authority. The third is what the Authors have thought fit to prefix to this Book, *Published by Authority* : And this (as I take it) implies more than a bare leave, *viz.* Something of a Command, and of some great Authority, more than a bare Allowance or License of a Secretary of State. But what that Authority should be, by which this is published, I believe will not be easie to find or discover : Only what it is not will not be difficult to perceive, even from the consideration of the Book it self, and divers Passages in it.

Nothing can be so truly, innocently, honestly and plainly said, but it may be contradicted or opposed by a Man of Wit and Parts, with some colour and appearance of Reason, of which the Oration of *Carneades* against Justice is a sufficient Instance ; and by one, who hath no great store of either, with Railing and Foul Language, of which this Pamphlet we are now considering presents us with a pregnant Instance. No less than *Folly, Enthusiasm, Visionar, Enthusiastick Illumination, deluded Notion of Inspiration, Indiscretion, Excentrick Zeal, Quakers Impulse*, are all at one Volly let fly at the Author of the Reflections by this mighty Champion, the Vindicator of the

the King, the Parliament, and the whole State at his first Charge ; all in one Paragraph published by Authority, if we will believe him ; besides divers single Shots afterwards, as *Silly, precipitant Zeal, hot Politician, Lucid Intervals, Extatick Sermon, Revengeful Spirit, &c.*

After such a Charge, it is no wonder to see such a Champion, with no little Ostentation, insult over his vanquished Adversary, and upbraid him with his *confined Sphere, narrow Spheré, short Line, want of Knowledge of Affairs of State, small Skill in Affairs abroad, gross Ignorance in the Affairs of Europe, little Skill in Politicks, none at all in History, unacquaintedness with Philosophy*, and such gross mistakes in the *Motion of natural Bodies*, as to believe a moving Cart may be stayed by Witchcraft.

Such stuff as this is agreeable enough to the quality of a Mercenary Writer, a temporizing Observator, a Mountebank, a Quack, and might have passed with some ordinary Licencers : But as it doth never advantage any Cause, so it is usually a sign of either a very barren Cause, or a very shallow brain, where it is much used without any Proof or Reason : And therefore Men in great Authority, do rarely imploy such Writers, or if they do, do it only by some *Secret Encouragement*, not by any *Publick Authority*.

And if this general consideration be not sufficient to render the Authors suspected of Imposture in that respect, the Writer himself hath supplied us in the very next Page with special matter to help it out, telling us that *the King by a Prodigy of good Nature has laid aside the Resentment such a Pamphlet would have met with in any Reign but His* : And if this be not yet enough, he immediately 'adds his own Sentence of Self-condemnation : *And where the King forgives, its ill manners to stint the Royal Bounty by ill Treating the Criminal*. For if any one besides this Champion would be guilty of such ill manners, it ought not certainly to be believed that any one near the King, or of any great Authority would by Publickly Authorizing it : Much less that so ill a treatment should be Authorized by

that Noble Lord to whom they have presumed to Dedicate it. Sure I am he had no great reason to do it, if he *acted* any great part in the Transactions, and the Vindication be *written in Defence of others*.

What is here inferred from the *Modesty and Decency of the Terms and Language*, may likewise be inferred from the *Truth and Honesty of the Suggestions, Assertions, and Inferences*. It would be too long to examine all, and besides needless: I will therefore for brevity sake only confront three or four of the Assertions with the words of the Reflections; and leave the Reader to consider how proper and likely such Candor and Ingenuity is to be Published by Authority.

Pag. 9. He chargeth the Author of the Reflections, speaking of the Danish Forces, with asserting plainly *They will prove a greater Burthen than Advantage to us*. Whereas the words of the Reflections are only thus. *The Season of the year is now far gone, that they are more like to prove a Burden this Winter, than any Advantage to us*. And this is called a Calumny, Pag. 13. but with how great reason the Reader may there see.

Again in the same, Pag. 13. reciting the words of the Reflections concerning our Losses at Sea, he concludes Speaking of the Author, that He boldly adds, *That our Merchants Ships have been made a prey to those who should have been their Guide and Convoy*. Whereas the Reflections insted of boldly adding what he saith, *cautiously premise* a Parenthesis, which this honest and candid Gentleman was so bold as to leave out. viz. *(If the Complaints of our Merchants and their Mariners be true.)*

But never did our Champion behave himself more bravely and like himself than when he comes to talk of *the Abdication*. That one Paragraph of the Reflections makes him lay about him indeed like a Man of mettle, for three Paragraphs together: It seems he was not a little concerned at it; and where the Concern lay is not hard to be perceived. But here I shall only take notice of one instance more for my present purpose, leaving the rest to the Readers observation,

Pag. 21. he tells us : *Our new Politician is downright offend- ed at the Parliament for finding King Jame's Departure an Ab- dication of the Government, &c.* This certainly is no less than a piece of Jesuitical Modesty, where-ever this Traveller learnt it. The words of the Reflections are down right the contrary : *There was reason enough to declare the departure of King James under his circumstances an Abdication of the Government, &c.* And this is not only said, but so cleared and demon- strated there in few lines, as hath given no little Satisfaction to some persons of no mean parts and learning ; but no less Dis- turbance, (it seems) to this Gentleman, as may be farther noted hereafter.

Another Assertion or two I must take notice of, for the *singular Charity* expressed in them. Those, as they are ground- less, and cannot be deduced by any good Inference from the Reflections, so may they be confronted with other Writ- ings of the same Authors in print : *This Man* (saith he, speaking of the Author of the Reflections) *would drench the World in Blood, Sacrifice whole Hecatombs to his Revenge, and once more set these Kingdoms off their Hinges by a precipitate Method of rendring Men desperate,* Page 21. Such another is the Suggestion, page 22. *Why should King James's Ministers and Counsellors, all of them, without distinction, fall under the stroak?* And again, page 23. *Our Author fondly concludes, &c. because he hath not been glutted with the Blood of the Delin- quents.* I need note no more of this kind. Those are so foul and infamous Words, that if written and published without very good grounds, do of themselves sufficiently make good one part of my Charge against this Pamphlet. Certain I am, that no such thing was ever intended in the Reflections : And from these Words in the Paragraph under his consideration, *Not one of those, who by their wicked Counsels and Compliances betrayed not only their Country, but their King himself, &c. hath yet been brought to condign Punishment,* or from any other in that Book, I do not see how any such matter can be dedu- ced : But if confronted with what the same Author hath
written

written in his *Apology for Mr. Stafford*, page 17. and elsewhere, it will all there appear as false, as here it doth groundless.

What hath been already noted, I suppose, is sufficient to make good the Charge of a False and Infamous Libel. The *Piety* of it may be discerned by the Respect therein given to the Sacred Scriptures, where he saith, that the Expressions, *Taught of God, Children of Light, Sensual not having the Spirit*, and many others of that kind, smell of the late deluded Notion of Inspiration, page 2. and by the regard therein expressed to the Providence of God, and to the Study and Consideration of his Works and Dealings with the Sons of Men, pag. 26. and by the Reproachful Terms, which, after the mode of the late Atheistical Times, are very confidently bestowed upon sincere Piety, and genuine Religion. But I have no mind to cast Pearles before Swine, by a full Explication of these things; but leaving him, and such *Abderites* to the Correction of some *Hippocrates*, shall content my self with those Evangelical Promises, *Matth. 5. 11, 12. 1 Pet. 4. 14.* and rejoyce in them too, while the Mercenary Writer may chance to feel the smart of his own Prophaneness, in selling his Conscience for a Mefs of Pottage.

And now to return to our Enquiry, *What Authority it should be, which hath ordered the Publication of such a Libel?* Of the King we are secure, that it was not he, by what hath been recited before; and of the Parliament, were we not otherwise secure, this Writer hath given us the like assurance, telling us, *He knows not but he may be blameable in playing the Advocate, or in daring to suppose, that the great Council of the Nation needs a Vindication*, page 16. And the same we may conclude, for the same Reason, of that Noble Lord, whose Patronage he thinks but reason he (should) allow to *what's written in defence of others*. It remains then, that either he had none at all, and then he is an Impostor upon that account; or that it was from some of those *others*, in whose Defence it was written, and then is he no less an Impostor in

in concealing whose it was, and giving occasion by this Dedication to make that Noble Person be believed, by inob-servant Readers, to be the Man. And this we have reason to believe is the Truth, if the Scope and divers Passages of this Vindication be well considered.

It is true, he pretends much Zeal and Concern for the Vindication of the King, and of the Parliament ; but that is no more than every Knave and Cheat will do to those he intends to abuse ; the *Officious Kisses of an Enemy* ; and therefore whether sincere, or feigned, is to be determined by the concurrence of other Indications. And

1. It appears by his own shewing, that he is a very officious Advocate, and was never retained or imployed by either of them.

2. Nor was there much cause of Vindication in respect of either of them ; for most of the Transactions noted, were reflected on as matters of Disappointments and Unhappiness, rather than Faults in them.

3. And these Disappointments being imputed not only by the Author of the Reflections, but by the Parliament it self, to the unfaithfulness and Treachery of Persons intrusted and imployed, the Vindication of such Transactions could not be sincerely intended to serve the King, or gratifie the Parliament, but to cover those Evil Practices and Persons, which not only the Author of the Reflections, but the Parliament also, desired and endeavoured to discover.

And that this was really the *Design* of this Mercenary Pamphlet, whoever had their Hands in it, and all the Complements to the King, the Parliament, and the Earl of *Shrewsbury* Principal Secretary of State, a meer Disguise to cover that Design, and an Abuse upon that Noble Person at least, there are divers Observables in it perswade me to believe.

1. The very Beginning discovers his Mind, and what he was full of. It is a *Severe Censure against prying too narrowly into the Secrets of Government and Mysteries of State* : But if the Reflections be well considered, there is no other occasion for

for it but Honest Endeavours for such a Discovery, as is before mentioned, that is, of what his business was to cover.

2. He there also discovers, or to use his own term, bewrays himself to be a genuine Disciple of the Mercenary Writers of the late Reigns, by *magnifying the Policy of a Foreign State*, as if our Laws were defective; only he shews himself but a Novice in the Trade, in that he takes his Precedent from *Venice*, and not from *France* or *Turky*. Of his sense of the English Constitution I shall take notice hereafter.

3. And he presently after discovers his Affection to the *English Nation*, which he more than once, without any just occasion that appears, terms *an ungrateful Nation*.

4. He bewrays himself indeed, and discovers his rotten and *unsound Notions and Sentiments concerning our present Settlement*, and the Right of King *William* and Queen *Mary* to the Government of these Kingdoms: And that he himself is either one of that Mungrel Temporizing Party, which hath obstructed our compleat Settlement and underhand retarded the Reduction of *Ireland*, or at least doth prostitute his Mercenary Pen to gratify that Party.

For he plainly unhinges King *Williams Title*, and sets it upon a false bottom, while he makes King *James's Abdication* to consist only, in his Departure. This is it which he finds fault with in the Reflections, that they do not admit the Departure of King *James* to be an Abdication, without any regard to his precedent Actions. And that this is his meaning doth farther appear by his quarrelling the Author for interpreting the Departure to be *rather the flight of a Criminal from Justice, than of an innocent Man; Metus causa & cum animo revertendi*. And this being so, it cannot proceed but either from a dishonest Mind, and an ill design to undermine the Justice of the present King's Title, or from Ignorance: For no good Author ever yet called the Flight of an Innocent Man *Metus causa*, an Abdication. And because his pretended great Learning and Reading of History will not permit

mit us to believe the latter, he can blame no body but himself, if we impute it to the former ; And the Truth is, I see not how he can avoid that imputation : For if he really thinks what is there said, to be a *severe insinuation against the late King*, and that *no Kings are to be brought to Justice*, he is a temporizing Person, to comply and flatter a Government erected upon no better ground than a pretended Abdication : But if he really believes the grounds upon which the Convocation declared that Departure an Abdication (which were that Kings precedent Actions) to be good, then is he basely *Mercenary*, to dissemble his own Opinion in compliance with some of that mungrel Party, who are still for a *Regency*. And this Government can never be safe while such Persons are permitted to have access to any Office of Secretary of State.

My Principles I had published in Print long since in the *Important Questions*, and again lately, but before his Pamphlet came to the Press, in an Apology for Mr. *Stafford*, and therefore had no Masque of my own for him to remove : But I hope I have by this time taken off one from him, and shall presently take off another ; for I doubt not, but this Leaf and the first Leaf of the next Sheet contain the Characters of those Persons, in whose Defence, this Masque call'd a Vindication, was Written, and by whose Authority it was Published. It was not the King, nor the Parliament, nor the Principal Secretary of State, for whom this Service was designed : It was *Written in the Defence of others* ; and who those *others* were, we may here perceive plainly enough. They are of Three sorts ;

1. The *Regency-men*, those who were principally designed to be gratified in the Paragraph last mentioned, and indeed in the whole undertaking.

2. *King James's Counsellors, Agents, and Accomplices*, to be exempt from condign Punishment.

3. One or Two in *King Charles's Reign*, wrought upon through the *Temptations and Snares of a Court* ; and some

Persons, who in either of the Two last Reigns, had stumbled upon unwarrantable Measures ; and these are to be received into Favour.

There is one sort more they should also have put in, had it not been too gross a matter to have been mentioned at this time, and that is *the French Kings Pensioners* ; who, there is reason to believe, had not left off their old trade in the Transactions of the last Year ; but there are none of them but may be comprehended among some of these here specified. And as these plainly were designed to be served by this Pamphlet, so I doubt not but some of these set the Work on foot, and were the contrivers of its Dedication to the chief Secretary of State, and are therefore properly the chief Authors of it. *Qui facit per alium, est perinde ac si faciat per seipsum c. qui facit de reg. jur. 6.* As for *the Person employed to write it*, it seemed very apparent to me in the perusal, to be in divers passages a mere personated business, and to be written *invita Minerva*, and which is worse, *reluctante Conscientia* ; which when I observed, it moved so much pity in me, that I presently struck out such passages as would too plainly have discovered him, and I thought too severe for a man in such a case ; and I heartily pray God give him Repentance, and forgive him. But for *those who employed him* (for that he wrote it not of himself, but was put upon it by some others, is but a natural consequence of what I have said) we may plainly discover something of their Character, by this Vindication.

First, It is plain that they are *men of Craft and Tricks* ; for this is plainly a trick put upon the Chief Secretary of State, to make the World believe that he was concerned ; and if they were so bold with him, the King himself may have reason to look about him, lest he be trick'd by them.

Secondly, They must be such as had some considerable concern in the *pretended Vindication*, and acted a great and notable (not noble) part in the Transactions, that is, immediately

mediately or mediately in our Disappointments ; a much different part from what was acted by the Noble Person whom they craftily apply to, as one concerned by participation in the same actions with themselves ; and undoubtedly will be apt to play the like tricks with the King himself if they can, by putting him upon such actions as may justify themselves at least, and so engage him to stand by them in their illegal practices, an Artifice, by which the last race of our Kings have been often abused, and not yet forgotten.

Thirdly, What I have before observed of the Writer, must be true also of the principal Authors ; nay more certainly true of them, whom he designed to please : For whatever was his own Opinion, it was accommodated to the Sentiments of them who employ'd him, and therefore they must be men of no good Opinion of this Government, nor cordial Friends to the present King and Queen ; so that this and my last observation do mutually confirm each other.

Fourthly, Nor are they men of very sound notions concerning the true English Constitution and Government, as may be collected from their slighting expressions, used upon what in the Reflections is observed concerning the Privy Council and secret Cabals, calling it *the Authors European Model*, and from some expressions let fall concerning the Calling and Dissolving of Parliaments, of which more hereafter.

Thus much of their Character may be easily and plainly perceived by this Masque, which they call a Vindication ; But because it is a matter of no small importance to the present King and Queen, and to the Peace and Happiness of these Nations, for our quiet Enjoyment of the admirable Mercy which Almighty God hath so graciously conferred upon us, and for our better improvement of the Advantage he hath put into our hands, that these Persons, who by their Craft and evil Designs, have occasioned our former disappointments, may be more fully detected, to prevent greater mischief for the future ; I shall endeavour to explain some of those *Mysterious practices*, which are used at this day, from

their very Original, in the days of King *James the First*; and then return to what is necessary to be further observed upon this Vindication.

When that King after that horrid Plot of the Gunpowder Treason, being more terrified with the Danger he had escaped, than animated by so great a Deliverance, to dependence upon the Providence of God who preserved him, which that Deliverance in a special manner obliged him to; deserting that great Duty, and relying upon his own craft, sought to secure himself and his own Posterity, by Compliance and Alliances with his Enemies, *the Papists*, like those who have recourse to Witches and Conjurers; instead of that Security he expected, he involved himself and his Posterity in such Snares, as were the real cause of all those Evils which afterward befel them, and out of which they could never after extricate themselves. During the long and happy Reign of *Queen Elizabeth*, who generously performing that great Duty, kept them at a distance; all they could do was only to contrive secret Plots against her Person, and Foreign Invasions, and to sow Seeds of Division in secret Meetings, all which that Providence of God, in which she confided, dissipated and turned to their own Confusion. But when afterward they were favoured and admitted to a nearer Converse with our Princes, Statesmen and Bishops, they presently found their Advantage to put in practice *other Policies of a more deep, subtle, and dangerous Nature*, and under the cover of very plausible Pretences, whereby they and their Venome might insinuate the deeper. These were principally Three; 1. To change the Government, and make it Arbitrary and Absolute in the Prince. 2. To raise and heighten Divisions. 3. To corrupt the Manners of the Nation.

1. To endeavour a *Change of the Government*, they saw several Reasons. 1. They plainly saw it to be utterly unpracticable to deal with the other two Estates, to introduce their Religion. 2. They also understood very well that such
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endeavours might be so managed as to ingratiate them with the Prince, and many of the Courtiers, Ministers of State, and of the aspiring Clergy. 3. They also foresaw, that by slightly insinuating into the Prince, and his Favourites and Flatterers, such matters as tended to this; they should also by the same means promote their other design of raising Divisions between the Prince and the People.

2. To raise and heighten *Divisions*, they easily saw would not only weaken and dissolve the strength of the Nation, but would also give them a fair opportunity to shelter themselves under one Party or other, as they should see occasion. These Advantages they might expect by Civil Dissentions; and these and some more by Divisions also about matters of Religion, and therefore they industriously promoted both.

3. And to *corrupt the manners of the Nation*, they might expect would give them these Advantages, 1. It would weaken the strength of the Nation, making men more inconsiderate and careless of any Publick Concern, and indisposing them for either Prudent Counsel or Generous Action. 2. It would make them more indifferent in matters of Religion, and less apt to give them any disturbance in the prosecution of their Designs. 3. And this indifference would dispose them to the more easie admission of theirs when it should be seasonably and prudently proposed to them under some plausible pretences.

These were the Principal of their *Policies*, and the *Grounds* of them; which were rational enough, though it pleased God, who hath the Hearts of all Men at his disposal, by his over-ruling Providence, in his own time, to defeat them all. But the *Contrivances, Methods, and particular Practices*, which they used for the promotion of these Policies and Designs, were too many to be here discovered; nor is that my business at this time. I shall therefore only take notice of such as are pertinent to the present occasion, that is, *such as aspiring Courtiers and Clergymen joyned with them in*, though for different ends of their own, and such as we have still reason to beware of: Such as these;

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1. *Magnifying the Regal Power* upon false Principles, beyond its true bounds, according to the English Constitution, and *Vilifying our Laws* in general, as rude and barbarous; and the Fundamentals of our Constitution, which limit and restrain the Excesses of Regal Power, as encroachments of the People upon Prerogative, and so possessing the King and many honest welmeaning People, not sufficiently acquainted with the Excellence of our Laws and Constitutions, with *False, Dangerous, and Pernicious Notions concerning our Government*. And having by this means prepared the way, and insinuated themselves into Favour, they never failed of some *Project* for their own ends, though never so illegal, to put the King upon encouraging him to despise the just complaints of the People, as clamours, and that which was below his Majesty to be aw'd by. And because this could not but move all truly Loyal, honest and understanding Men, who saw the dangerous Consequences to the King, as well as to the People, of such Courses; it was very natural and easie to them to represent all such as Persons of Antimonarchical and Republican Principles. And always by how much the more notorious and illegal were their Practices, by so much the greater and louder were the clamours against the Commonwealth Principles, and the noise of the Dangers threatening the Monarchy. And by this means were our Kings kept in continual Jealousie and ill Opinion of many of their best, most honest, Loyal and most faithful Subjects.

But they could never have proceeded so far in these things had they not by inculcating false Notions concerning one branch of the Regal Office, *the Calling, Proroguing, and Dissolving of Parliaments*, and suggesting false Fears and Dangers of the consequence of their Sitting, often prevailed with those Kings to abuse the Trust, in that respect reposed in them, contrary to the Constitution of this Government, to the most ancient Laws of this Nation, to the true intent and meaning of the Statutes, then and still in Force, and to their own true interest and safety, as I shall shew hereafter.

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By these means were our *Civil Dissentions* begun, and by degrees continually heightened, till by these Practices, and the like, in matters of Religion, in the Year *Forty one*, they involved the King in a *Civil War* to make good those illegal Practices, which they before had engaged him in, and by consequence in an ill Cause, against as good a Parliament, as perhaps this Nation ever had. This will seem strange to some to come from me, who was from my Youth on the Kings side, and at Fifteen Years of Age ventured my life for his Service. But I know what I say, and will presently make it clear. The King might have trusted that Parliament, they would never have hurt him, or diminished any thing of his true Prerogative, but have secured him and it against the Abuses put upon him and the whole Nation, by evil Men, under pretence of it, if he durst but have trusted them. This is very plain from the Prevalence of that part of the Parliament, which, although the King had withdrawn another part to *Oxford*, which would certainly have joyned with them, were yet able to carry the Vote, *That the Kings Concessions were Satisfactory*: Nor were that part, which afterward brought the King to his Tryal, able to have carried any thing against him, had they not first by Force, which had never been raised, had not the King been carried away by his criminal Favorites, secluded most of the Principal men of the other part. But though the King might have trusted them; yet were there those about him, who conscious of their own guilt, having been the evil Counsellors and Promoters of those illegal Practices, which occasioned the War, durst not stand the Tryal; and therefore, having first betrayed him into those mischiefs before mentioned, betrayed him now a second time, by withdrawing him for their own security from the Parliament, and with him divers Members of both Houses, who would have been more serviceable there both to him and to the Kingdom, and so at length involved him in that fatal Civil War, for their own defence, which brought him to that unhappy end. These were the

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true Authors of that War ; and these are the *Forty one Men*, who deserve to be remembred with no less detestation by all Posterity, than those of Forty eight, who only finished what the others had begun. This I have related the more largely, because I see the same wicked Practices carried on by the Ringleaders of those, who have *Forty one* much in their Mouths ; and they who are not satisfied with may Reason, may see it, if they please, confirmed by Authority of King and Parliament, in the Preamble of the *Act of Attainder*, 12. *Car. 2. c. 30.*

2. The Methods for raising and heightning the *Differences in the Church*, were first by improving the Prejudices which King *James* had conceived against some Zealors in *Scotland*, into like prejudice, first against the Puritans in *England*, then against all truly Religious and Conscientious People, as Puritans and Precisians, and at last against all who discovered any great warmth against Popery. By this means Formality and Indifference in Religion was brought into fashion and encouraged, and sincere Religion and Devotion slighted and discountenanced : And for this purpose was *the Book of Sports* upon the Lords day set out, and ordered to be Read in Churches, and many good men put out of their Livings for refusing to Read it. And when by these means, Formality and Popery being favoured, and sincere Religion not only slighted, but oppressed contrary to Law, discontents could not but rise ; these were again made use of to represent the best part of the Nation as ill affected to Monarchy and the Church, because they began to be sensible of the approaches of Tyranny and Popery, and of the over-spreading of Formality. And this is *the true Original of the great outcries, The Monarchy, and The Church* being in danger, (as indeed they were, but the one of degenerating into Tyranny, and the other into mere Formality, if not Popery) whereby multitudes were imposed upon to put their helping hands to overturn both one way, while they were craftily made believe, that others were doing it the other ; for these had their influence in producing the late Civil War in conjunction with those before mentioned.

3. By the same means was the Foundation laid for the *Corruption of the Manners* of the Nation : But by what Means and Methods that was promoted before the Kings Restauration, and afterward rais'd to that height in his Reign, is not much to my present purpose, though we feel the ill effects thereof, and are still like to do so, if they be not reformed.

The Dismal *Consequences of these things* to the King, to the Church, and to the whole Nation, sad Experience at length taught her careless and inconsiderate Scholars, who disregarded the milder and safer Admonition of Provident Wisdom : And though the Effects and Consequences were such, as one would think should not easily or quickly be forgotten ; yet because the Practices and Causes are so little understood or considered by a great part of the Nation, that they seem disposed to be as much imposed upon again, and run into the like Confusions, to this brief and plain Narrative I will add some few *Observations* to stop the Current, and give some warning against the Danger.

And First, To such as have any Sense of Religion, and Acquaintance with the Works and Methods of the Divine Providence, it will not be hard to perceive, That the *Original of all those Evils*, in which King James involved himself and his Family, was his *Deserting of that great Duty* of Trust and Confidence in, and firm Dependance upon that Providence, which had with so much ease and safety brought him to the Throne of these Kingdoms beyond his expectation, and given him so great an Experiment of its Protection, by so amazing a Deliverance from so great and imminent a Danger, and applying himself to vain worldly Wisdom, in seeking Security by Compliance and Alliances with Enemies ; those very Enemies, from whose subtile Machinations he had been so admirably delivered ; and prostituting his Religion to those Politicks, which was somewhat of Kin to the Sin of *Jeroboam*, which stuck so close to his House.

Secondly, *The immediate Evil*, which he and his Family thereby incurred, was a *most just and suitable Punishment*, viz. To be deserted by that Providence, which he first deserted, and be given up *Rehoboam-like* to the evil and pernicious Counsels of those flattering and deceitful Favourites, whom they chose and adhered to. This was one and a special part of the Fate of the Family, out of which they never extricated themselves, though they had divers fair Opportunities, and very cogent Motives offered to them, to have done it.

Thirdly, That which exposed him and them the more to this Fate, and intangled them the deeper therein, was an insatiable *Desire and Affectation of an absolute Dominion*, which was not so much satisfied, as enlarged by the Accession of those two Crowns of *England and Ireland* to his former one of *Scotland*; and a certain *Degeneracy of mind*, the usual effect of unjustifiable Actions, or insincere Designs, which made them neglect the Legal Privy Council, and avoid the Presence of Parliaments, as People in a Fault do the sight of their best Friends, till some necessity constrain them. And this gave Opportunity and Encouragement to those Evil Counsellors to entangle them more and more in illegal Projects and Practices; which made them so much the more afraid of Parliaments, to whom it belongs to enquire and consider of such matters, and adhere the faster to those Favourites, till they became so united to them, that they thought themselves struck at in whatever was done or proposed against them.

Fourthly, This made them easie to be perswaded to believe that it was their Prerogative to *Call, and Prorogue, and Dissolve Parliaments at their own Pleasure*; and accordingly to do it, in effect at the pleasure, that is, at the perswasion of those Favourites: Whereas not only the Notion is false, and set up only for the Advantage of Favourites and Criminals; but the Practice was doubly mischievous to the Kings themselves. For 1. It was a great cause of Discontent, heightened the Differences between the King and the People,
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and made the Kings Cause so much the worse in those Differences, and unjustifiable, being often times a wilful and obstinate refusal of Justice, and Protection of Criminals against the whole Nation. 2. It deprived the King, as well as the People, of the proper Remedy of those Mischiefs. For Parliaments are the great Security under God of Kings from Abuses, as well as of the People from Oppression; and the Persons were either Guilty, or Not Guilty: If Guilty, they ought to be try'd, and either suffer according to their Crimes; or, if there were any special reason for it, be pardon'd. If not Guilty, yet ought they to be try'd, that their Innocence might be cleared, and the Nation satisfy'd.

Fifthly, The same may be observ'd concerning the great Noise that was made of the Monarchy, and the Church, as if both were design'd to be presently destroyed; which were nothing but false Clamours to incense People, and raise a Faction, by the Instigation of those evil Men for their own support and defence against Justice. The just Punishment of Criminals, who betrayed both King and People, was the Destruction of Monarchy, and Reformation of the manners of the Clergy, the Subversion of the Church, in their account. But by these means were a great many honest well-meaning People impos'd upon, and a mighty Faction rais'd. Whereas it is certain, that the *English Monarchy*, being not merely an Honorary matter, but of great Use and Advantage to the whole Nation both at home and abroad, if it be not abused, the People and their Representatives in Parliament, have always so well understood their Interest therein, and do so at this day; that nothing but some extraordinary matter ever could, or can alienate their Affections from it. This is plain in the case of King *Charles I.* when notwithstanding the great Provocations which are set out in the *Remonstrance of the State of the Kingdom*, 15 Dec. 1642. and some others, that Parliament would neither have destroyed the Monarchy, nor hurt the King, (though out of those Confusions a violent Party was rais'd, which did both) nor would

the Nation after be quiet till his Son was restored. And for *the Church*, the Bishops and Ecclesiastical Courts, might have been quiet, had they been truly Christian, as they would be called. But that, which moved the Indignation of most understanding and honest Men against them, was to see Christianity prophan'd, and Offices of Religion sought and used as Secular Employments; to see Formality encouraged, sincere Piety (though perhaps mixt with some unnecessary Scrupulosity) oppressed, and the Ministers of the Righteous Kingdom of Christ turn Promoters of Arbitrariness and Tyranny. And it is no wonder if such Causes produce such Effects.

Sixthly, It was *the raising and heightning of that Faction* by the Favourites and Criminal Party, that brought things to that *Extremity of a War*, which otherwise might have been composed, and all satisfy'd with the Removal of a few Evil Men from about the King, the Punishment of a few Criminals, and the Reformation of a few necessary things. But while these Evil Counsellors and Favourites raised that Faction, for the security of themselves under the pretence of the King and the Church, they thereby laid the Foundation of the real Destruction of both for some time. And I wish all honest Men may take warning by it now, and not suffer themselves to be impos'd upon again after such an Example. For there is *just such another Faction*, which hath gone very high of late, especially in the business of Elections under the same Pretences of *the Monarchy*, and *the Church*; wherein the greatest Sticklers were those sort of Persons, which the Vindicators of the last years Transactions recommend to Favour, that is, the Criminals of the two last Reigns, the Counsellors, Agents and Accomplices of King *James*, and the Regency-men and *Hesitators*, who refuse to act under King *William*, with whom the Papists joyned under-hand. And their greatest Opposition was for the most part against such as were most Cordial and Active for the present King and Queen.

I have but one thing more to observe, which comes now into my mind; and hath not been so well considered as it ought; and that is the great and mischievous Influence, which such *prodigal and unadvised conferring of Honours*, as was begun by King James I. and has been continued since, is apt to have in the producing of such Troubles. *Honor and Riches* are things, which may be of good use for the Benefit of others, when they fall to the share of Good Men, who have Hearts to make use of them for that purpose. But I very much doubt, whether ever any Man was the better for them? On the contrary it is apparent, that many, nay most, are the worse for them, if they be raised much above their own Rank. And it is certain that they are no good Men, who are very greedy of either; but such as will comply with the Means, whereby they are to be obtained, be they what they will. If the Prince, who hath the disposing of Honours and Preferments, be wise and vertuous, be sparing and prudent, in conferring them only upon consideration of Worth and Merit; it will be an effectual means to incline the People to apply themselves to such means, which will be of great advantage to the Commonwealth. But if he be prodigal and inconsiderate in the disposing of them, he will not fail to attract to him many ill Men of no vertue, who will certainly flatter and deceive him; make it their business to please him for their own advantage, at any rate, rather than faithfully serve him. And the more Honours he confers upon such, the greater Burden he thereby brings upon himself: He must provide for his own Creatures; and if he hath not good and lawful means to provide for them, they will not fail of Projects even of indirect means by him to provide for themselves. Besides, the Appetite is unsatiable: The Man's no more satisfy'd when made a Lord, than when but a Knight; I'm sure not more happy, nor when made an Earl, than when but a Baron; nor when made a Marques, than when but an Earl; but a Baron, but a Knight, but a private Gentleman. But he needs more; his Needs are increased,

creased, and must be supplied one way or other. And from this Root did spring many of those Illegal Projects in the Reigns of King *James I.* and King *Charles I.* which in the end produced those bitter Fruits we have been speaking of.

And now to return to our merciful Vindicator. He makes me think of the vulgar Observation of *March*, that it comes in like a Lion, and goes out like a Lamb; and he shews himself a right *March Bird*. Our Laws were not severe enough with him at the beginning to punish the Author of the Reflections, whom yet he dares not charge with any *want of kindness to his Majesty, &c.* p. 2. But he must fetch a Precedent as far as *Venice*, to shew the heinousness of his Crimes in prying into Secrets of State, to be no less than what is punishable with Death. But when he comes to King *James's* Counsellors, &c. how is the Lion changed into the Lamb! But alas! it is only to those good People. So kind to them, that one would think that this Vindicator had had some hand in the Letter and Bill of Pardon for King *James*, which was found in the Speakers Chair. But to the Author of the Reflections he presently turns Lion again, at least puts on the Lions Skin. If he but complain for the just and necessary Assertion of our present Settlement, that not one of King *James's* Instruments has been brought to condign Punishment; how does this Lion roar and storm at this as a *Revengeful Spirit*, that *would drench the World in Blood!* &c.

But the truth is, it seems but a Copy of his Countenance, a meer personated Fury to please some body. But what their Sentiments are, who were to be pleased with this, is not hard to be understood. They were, it seems, not only for Pardon, but for Preferment too, for those honest Gentlemen, as such as *do deserve the return of our Gratitude*. Sure this Writer had a mind to try his Skill in Oratory, and after the Example of *Carneades*, try what he could add to his Oration against Justice. And I should have thought that *Carneades* had got a new Set of Scholars amongst us, since the

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late Revolution. For since I wrote the last Period, I met with another *Vindication* so like this, that I dare presume the Authors of both are pretty near of Kin. Only I find this vast difference between him and them: What he did innocently only for a Tryal of Skill, to shew his Wit and Oratory, and what an ingenious Man might be able to say on an ill Subject; these Men do in good earnest, that is, strain all their Faculties to the utmost in a real opposition of Justice. Nay, those who not long since strain'd all their Wit and Parts, and the Law it self, to take away Mens Lives under pretence of Justice, contrary to Law, now strain all to exempt the most notorious Criminals, deserving the greatest Severity from condign Punishment, by an *Indefinite Act of Oblivion*; and *Universal Indemnity*, wherein I must confess they act very uniformly, before in suppressing, and now in opposing of Law and Justice, and always for their own Interest.

So it must be; or, if we suppose them to believe that there is any such thing as Justice at all, it must be granted that they have different Sentiments concerning the Crimes than we imagine, or however, than we have. And this is plainly the Truth. The one, in effect, will admit no Crime in King James precedent to his Departure. And the other will admit none in his Ministers, Officers or Instruments. That, which we take to be *Justice* in that case, he calls *Vengeance* and *Revenge*, and those who are for it, *Blood-hounds*, *Bellowers for Vengeance*, *Hot-headed Animals*, &c. What we take to be great and notorious Crimes, he reposes *Points Justifiable*, or at least doubtful, wherein the *Justice of inflicting Punishments can never be vindicated*; and begs the Readers *Pardon for the Impropriety* of calling them *Punishments*, though he will not name their proper Term. And a little after, *Actions done in the last or former Reigns, about which the World hath been so much divided, if Lawful or not*. And if this be not sufficient to declare his Sentiments, concerning his proposed *Indefinite Act of Oblivion and universal Indemnity*,

demnity, he tells us plainly, *Lastly, Its consistent with, and promotive of the Truest and Highest Justice,* (that is, for King James) *For in most of the Cases* (the thirteen Heads he had mentioned before, viz. The Heads Voted 23 Jan. to be Crimes for which some Persons may justly be excepted out of the Bill of Indemnity) *the Law is doubtful. And to punish Opinion in matters of Law, is as unjust as to prosecute Mistakes in matters of Religion is unchristian.* So that here we have a Vindication, not indeed of the last Years Transactions, but what is more, of the Transactions of the last or former Reigns. And if this be good, my Opinion, which according to this Lawyers Judgment is not punishable, being in matter of Law, is, That King William hath no good Title, but he's a meer Usurper, and we have catch'd at an advantage against an Innocent Man upon a timorous Flight or Departure, to keep him from his Right. My Opinion on this matter I have publish'd in Print more than once, and therefore will not repeat it here. But this is so evident a Consequence of what he saith, that it is his Opinion, that I know not with what Colour or Pretence he could deny it if he would. Other Consequences of his Discourse I take no notice of, because not pertinent to my present purpose. But I think I may reasonably recommend it to the consideration of the Dissenters, as that which may in some things afford as proper Topicks for them, as for any sort of People of this Nation, that I know; and may be alledged with much more reason for them, than for his Party of Criminals. *Veritas prævalebit one time or other.*

By what hath been said I suppose it is very evident, that the Authors of *The last Years Transactions Vindicated*, and of the three Parts of *The Magistracy and Government of England Vindicated*, are near of Kin, at least in their Principles, and Sentiments of the present Government under King William and Queen Mary, and of their Right and Title thereunto, and in the General Scope of these Writings, as near as in their Titles. And therefore this last coming so opportunely

to my hand, it doth not only confirm my Opinion of the former, but gives me a fair occasion to consider the matter of both, so far as concerns my Subject, with one and the same Labour. And therefore before I proceed to speak of the Punishment of the Criminals in our Case, this Gentleman being a Lawyer, gives me occasion to consider of the Law by which they may be punished: For if there be no Law for it, he is in the right, That they are not properly Punishments, but *Violence, where the Justice of the thing is not clear and undoubted.* And so much by the way, I hope he will give me leave to say of the Executions of *Stephen Colledge*, my Lord *Russel*, Colonel *Sidney*, Sir *Thomas Armstrong*, &c. that they were *Violences*, that is, in plain English, most deliberate, wilful and wicked Murders, being committed under Colour and Pretence of Law; of most of which Judgment hath been reversed by Authority of Parliament; and that I think it differs not much in the sight of God, whether a Man have his Hand or his Tongue dip'd therein. And I doubt not but the great and good Sir *Matthew Hale* would have been of the same Opinion; which this Gentleman, who gives him those deserved Characters, will find some Reason to believe, if he please to peruse but *The Account of the Good Steward, concerning the Gift of Elocution.*

But to the business. The Votes of 23 Jan. have enumerated thirteen Heads of Crimes, for every one of which some Persons may be excepted out of the Bill of Indemnity. Against all Punishments of these our Lawyer takes Exception, as *Punishments never declared or promulged, and which by the Standing Laws and Common Justice of the Realm could not be inflicted.* That is to say, They are neither Treason, Felony, nor Misdemeanours: For, for all those there are Punishments declared, and to be inflicted by the Standing Laws and Common Justice of the Realm. I must add, Nor Crimes punishable by any Statute. And this is the least that these Words can imply. So that we must suppose that they are nothing like any of those we meet with in the Impeachments, In-

dictaments, Articles, &c. against those Flatterers, and Evil Counsellors and Instruments of Princes, which my Lord *Coke* mentions in his Chapter of Flattery, or any others to be found in our Records, Books of Entries, Reports, or Statutes, not so much as those concerning the High-Commission Court, 17 *Car.* I. But the contrary of all this is so well known to all who have looked into the Records and Books aforesaid, that it is as needless as improper for this Paper to offer to recite them. But in stead of that, I will shew him that which is more, that is, That the Parliament may declare those things to be Treason, (the punishment whereof is sufficiently known) which never were, nor can now by the Ordinary Judges (though in the late Reigns they are believ'd to have exceeded their Bounds) be judged such; and that by the express Words of the Statute 25 E. 3. And because that many other like Cases of Treason may happen in time to come, which a man cannot think or declare at this present time, it is accorded, That if any other Case supposed Treason, which is not above specified, doth happen before any Justices, the Justices shall tarry without any going to Judgment of the Treason, till the Cause be shewed, and declared before the King and his Parliament, whether it ought to be adjudged Treason or other Felony. Besides, for such Crimes as are of their own Nature great Crimes, and not meerly by some positive Law of the State, there is neither Law nor Reason why the Legislative Authority in any State should not order and inflict such Punishments as they deserve. And among those may doubtless be reckoned all such as have a direct tendency to the Subversion of the Laws and Government of any State. But Treason against the Kingdom, as well as against the King, may be found in our Books of Law and History.

And now I know not what most to admire in this Gentleman, his profound Skill in the Law, the Modesty of his Assertions, or his Honesty and Conscience. I cannot but think him a very proper Person to have been one of the *Servants of former Crowns*, one of the last Kings *Ministers, Officers or Instruments*.

ments of Justice. He was certainly well qualify'd for it, and his Zeal for their Vindication discovers that he had some concern of his own in it. And so confident a Gentleman, and so qualify'd, one would think should get in somewhere now; at least into the Parliament, and no doubt but set up by the Faction, and a great stickler there; one of those, who are recommended by our Vindicators not only for Pardon and Indemnity, but for Favour and Employment to our present King. And no doubt but he will be well served by them, as well as he was the last Year.

I cannot let this pass without some further *Reflection*. It is not at all besides the Design of my Writing, and no great Digression from that particular matter I am now upon. Our other Vindicator tells us, that *His Majesty came a Stranger to England, and but darkly informed of the true Arcana of the last two Reigns, and of the Practices and Principles of particular Men; it being so much their interest to veil them from his View: Whence it is to be suppos'd, that at his coming to the Government, the Representation made him of Persons and Things, could not but receive a Tincture of the many different Principles and Interests of those who made them. Considering which, it's no wonder that in such a Maze of Business and Mist of various Representations, his Majesty's Bounty might happen to be misplac'd in some one or other,* page 29. I know not any thing more truly and reasonably said by that Writer. It was indeed a great Disadvantage his Majesty was under, being unacquainted with the Principles and Interests of Persons. And as that was just Cause both of Caution in the Choice, and of Excuse of him from any ill Choice upon the recommendation of others; so doth it aggravate the Fault of such recommendations, and recommend the Service of such as detect them. I shall therefore, for the more compleat Detection of some ill Men, to what I have before observed, add this for Confirmation.

I. That the *Persons* concerned in these Vindications are Men of *dangerous Principles in respect of the present Government.*

ment. For if these Crimes be not punishable by Law, then are all they, who invited the Prince of *Orange* to come in with an Army, and all that associated with him, Traytors; and he himself an Invader and Usurper.

2. They are Men of *Arbitrary Principles*, and so dangerous to the Nation, and the true ancient Constitution of this Government. For if these Crimes be not punishable by Law, our English Monarchy is gone, and we are already fallen into a French or Turkish Tyranny.

3. They are *dangerous* Persons to be employed or trusted *in respect of their Genius*, Men of smooth voluble Tongues, and of Confidence to impose any thing. Of which I could add divers Instances to those I have noted before: But I will add only this, because it may serve also for another purpose: He tells us, *If the thirteen Heads, &c. had been reduced into a Law---- one third at least of the Nation had been involved, who with their disoblig'd Relations and Dependents, is not so contemptible a Flock, &c.* Now if every one of this third part had but one Relative or Dependent, they would make two thirds; if two, they would make the compleat number of the Nation; but if many of them have 10, 20, 100, as many certainly have, they would far exceed the number of the People of this Nation. This I the rather mention, because I doubt not but they do greatly *impose* upon some Persons, *with this Pretence of their Number*, which is false; and would be much less than it is, if they had not somewhere met with more Encouragement, than they expected.

4. They are of the *very same kind and Genius with those Forty-One Men* I mentioned before, who by their Flatteries to raise themselves, imposed upon King *Charles I.* and so occasioned that Bloody War: And again in the beginning of the Reign of King *Charles II.* to cover the illegal Actions of themselves or their Friends, imposed upon the whole Parliament, being then in a Transport, those Declarations and Clauses in some Acts, which are the occasions of the Mistakes and Dissatisfaction of divers honest well-meaning Men now; and
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of such Dissentions as very much discompose and interrupt our compleat Settlement.

These being so dangerous Persons both to the King and Kingdom, and having many (though not so many as is pretended) of their Party and Principles, it cannot but be necessary that not only the King be cautious not to employ or entrust them in any great matters, but that some good Provision be made also by Parliament to secure both against them. And what less can that be, than an *Act of Recognition*, that the present King and Queen are rightful and lawful King and Queen, and to disable all Persons from sitting in Parliament, or to hold any Place or Office of Authority or Trust, who do not believe the same, and upon Oath declare such their Belief and Recognition accordingly?

And now for *Punishments*. In all Punishments two things are to be considered: The Proportion in respect of the Crime, and the Consequence. And as to the *Crimes*, it may be fit to be considered in our Case, Whether besides the Thirteen Heads of Crimes *committed in the last Reigns*, expressed in the Votes, there have not been some of like nature already committed *in this*, for which some Persons may justly be excepted out of such Bill of Indemnity? *viz.* Such as these.

1. The publishing of such Libels, as by denying the Justice of punishing the Crimes aforesaid, do manifestly undermine the very Grounds of our present Settlement, and the true Constitution of the English Government.

2. The advising the present King to such things, as being done by the former Kings contrary to Law, seems to justify their Illegal Actions, prejudice his own Cause, and tend to the disturbance of the Government again. And it may be some others.

As to the *Punishment*, Proportion and good Consequence are always to be regarded. And therefore;

1. When the *Punishment* is *less* in Proportion than the Crime, and the *Consequence* of *Necessity* or *great Importance* for

for a future Security, or other publick Good, it is not Mercy, but Injustice and Imprudence to forbear it, and a greater kindness to Criminals than to the Innocent.

Such is the Excluding and disabling such Persons from Trusts and Employments, as by former Violations and Misdemeanors have shewed themselves unfit to be further trusted.

This hath indeed something Penal in it, but so little, that it is not properly a Punishment, but a necessary provident Provision. This is the Case of the late King (of which more in the Apology for Mr. St.) and of his Counsellors and Agents. They who betray'd their Country and himself too by Evil Counsel or Compliance, ought not presently to be admitted to Employments and Offices of Trust; or to sit in Parliament. Neither ought they to be returned, for they are not in truth *boni & legales homines*. I speak not of all his Counsellors, &c. without distinction, as the mercenary Writer falsely suggests; but Evil Counsellors, &c. who betrayed him as well as their Country.

It will be a Blot and Mark of Ignominy upon this Generation to all Posterity, to suffer those persons to sit as Judges, where those Crimes are to be considered, whereof they themselves are notoriously guilty. And upon this occasion I must say farther, That it is a Dishonourable and an unreasonable thing, to suffer persons who have rashly (to say no more) foul'd their Hands in Innocent Blood, to sit in that Assembly; to suffer their Counsels, which should be Sacred, to be profaned by such Company. Dishonourable and unreasonable are too soft Words for that; but I may very well use them concerning the permitting of Minors, who are disabled by Law to dispose of their own Estates, to sit there. The Honour and Dignity of Parliaments ought to be preserved: And therefore also, they who did presume to Elect the same person to serve in this, who was expelled the House the last Parliament, for their Affront to the House, ought to be corrected,

rected, at least by turning out their Member again, and allowing them no new Writ. For they deserve not to have a Representative in such an Assembly, which they would presume so factiously to affront; nor he to have a place there, who had so little regard to the Honour of it, and so little consideration of what did become those who chose him. I write not this out of any Ill Will to any person, but out of great Good Will for the Honour and Service of my King and Country. In such as are obnoxious, certainly Modesty, to abstain and retire for some time, would be the greatest Prudence. But such as will impudently thrust themselves in, ought deservedly to be thrust out. The Honour of a Government ought not to be prostituted for the sake of particular persons, be their Quality what it will. Nor are they Men of Vertue or Worth, who would serve themselves at that rate. The Kingdom wants not Men of unspotted and untainted Honesty and Fidelity to be employed: But usually the worst are most forward.

Secondly, When the Punishment bears a just proportion to the Crimes, it ought generally speaking, to be inflicted for the Maintenance of Justice, and Restraint of Evil. But there may be special Reasons in respect of the Consequence; either to inflict the Punishment, or pardon the Offenders.

Amongst the Thirteen Heads of Crimes, there are two at least, which I take to be *Treason*, and ought to be adjudged so by Parliament, *viz.* The first concerning the Dispensing Power, and the third concerning the Commission for Ecclesiastical Causes. I know there is another Punishment of this last by the Statute of 17 *Car. I. ch. 11*. But in this Case the manifest Intention and Design of the King and the Conspirators by those means to subvert the Government and the Laws, make them both *Treason*.

These Crimes are of so high a Nature, and the King himself having already suffer'd for the same Cause, both Justice and Prudence require, that all the Criminals, by whose Unfaithfulness and Compliance the King was encouraged to those
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Evil Courses, be brought to Tryal, and have Sentence. Not only Justice, but Prudence doth require this, to assert a just and honest Cause, and to terrifie such as should dare to be concerned in such base and wicked Courses hereafter. But above all, the Judges and Bishops, who betray'd also their own Professions, ought to be made Examples. What special Reasons there may be to mitigate any part of the Punishment in any of them, they being not many, belongs to the Parliament to consider : But in general, they ought to be good and weighty.

On the other side, when the *Offenders* are many, and the *Crime and Punishment Capital*, it is usual and reasonable to punish only the Principals and most notorious, and to pardon all the rest, as in cases of Rebellion and Insurrections ; because of the Evil Consequence of taking away the Lives of so many Persons, whereof perhaps many were misled by the Principal of them, and might prove good Men afterward. In such cases they are all to be looked upon as one Body, and the taking off the Heads and Principals of them, is a kind of a capital Punishment of that Body of Men.

But when the Crime and Punishment are of a lower Nature, as *Misdemeanors*, (which being very various, the Punishment is more discretionary, as Fine, or Fine and Imprisonment both, according to the nature of the Crime) it is not so, nor is there any reason it should : For a Pecuniary Punishment may be inflicted on many without any Inconvenience. And in the present Cases it may be proportioned according to the Rates assessed upon the Criminals in some of the late Taxes ; and some Disabilities might very properly be made part of the Punishment. But in these discretionary Punishments, divers things are to be taken into consideration. And one or two I will mention on the side of Mercy : 1. The Example of our Heavenly Father now, in our own case, who hath shewed Mercy, and sent so great a Deliverance, notwithstanding the sinful and wicked state of the Nation. 2. The Papists and the wicked Examples of those late Popish Kings,

Kings, have been the principal Corrupters of the Manners of the Nations ; and therefore if they who have been misled by them, suffer not so deep, as otherwise they ought, it is but reasonable.

So much for *Punishment of Criminals*, and now for *Preferment*. The Vindicators think it an *Invasion upon the Kings own Liberty*, to deny him the use of such Persons, as through the *Temptations and Snares of a Court* were guilty of Compliance in things blamable, &c. if their great Parts and Acquaintance with Affairs of State make them necessary. I have known some persons cry'd up for notable, cunning and shrew'd Men, whom when I have hapned to understand more neerly, I have found to be Men of Craft indeed, but such as did consist, not so much in greater Knowledge of Business than other Men had, as in the use of a greater Latitude in Acting than some other Men would use. And such Persons may be so far from being necessary to a Prince, that they may be dangerous. As I remember one of those cunning Men I mention'd, being apply'd to by three Persons then of good Credit, for his Advice in a Cause, easie to have been relieved in Chancery, as it was afterwards, by his Cunning involv'd them all, and some others for Witnesses, in a notorious Forgery, Subornation and Perjury. Parts without Fidelity, which is inconsistent with Compliance in Blamable things, ought not to recommend any Man to a Prince's Service. This I say to shew the Insufficiency of his Argument in that part. Nor am I so rigorous, as not to agree with him in the former, as he states the Case ; only the person ought to be very necessary, and the Prince to be very cautious how far he relies upon him. Nay, I will go further with him, and suppose the Person stand accused, or even impeach'd in Parliament, I would not deny him the use of such a person, in due time, that is, when he hath been try'd, and either cleared and acquitted, or for some special good cause legally pardon'd. Otherwise that, which those persons say is an *Invasion upon the Kings Liberty*, to deny him, is an affront

to the *Government*, tends to the Subversion of the *Constitution*, and to the disparagement of the present Cause both of the King and Kingdom, makes it look like a matter of Trick and Violence, and not as I take it to be, of clear and necessary Justice. The Protection and Employment of Criminals being one of the great Grievances of former Reigns, and as pernicious to the Kings as to the People. And if this be the Case of any person now employed, he cannot be a good Man, or worthy of any Favour at all, if he would, desire his own Security at the rate of so great an Inconvenience both to the King, and to the Government, and especially under our present Circumstances; and not rather willingly retire for some time, and if innocent, modestly put himself upon a fair Tryal; or if Guilty of any thing considerable, humbly submit and beg Pardon. And this is the truest Wisdom in such case: For they who obstinately stand out in such cases, do usually bring mischief to themselves or the King; and the more highly they carry it out among Men, the more they provoke the Judgments of God upon themselves, of Excision, or in some remarkable manner, according to the Nature of the Crime. All Courts and Judicatures ought to maintain their Authority, and so much the more, when notoriously violated, or when there are any attempts to evade or oppose it. And especially at this time when we are either doing Justice and Equity against the late King himself, or plainly playing Tricks with him, and exposing the Iniquity of our own Hearts.

There is but one thing more, which I think worth my taking notice of in this Pamphlet, (for Trifles I have passed over good store all along) and that is what he saith, *pag. 32.* that *The Calling, or Dissolving of Parliaments is ordinarily one of the most mysterious Problems of State, and one of the truest Touchstones of Skill in the Art of Government.* To Men of ill Designs, or who understand not the true Constitution of this Government, it may be so indeed: But to honest and understanding Men nothing is more easie. It was the Law
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of this Nation before *Magna Charta*, or any Statute now in Force was made, and it is still the Law, That Parliaments be held once a year, or oftner if need be. And I will tell this Gentleman in the Words of King *James I.* that which will effectually explain this Mystery, and solve the Problem. *A King (says he) governing in a settled Kingdom, leaves to be a King, and degenerates into a Tyrant, as soon as he leaves off to rule according to his Laws.* And a little after, *Therefore all Kings, that are not Tyrants, or Perjured, will be glad to bound themselves within the Limits of their Laws : And they who perswade them the contrary, are Vipers and Pests, both against them and the Commonwealth.* Speech 21. March, 1609. This most ancient Institution, is not more ancient than wise, useful and necessary, and of a just proportion to the other parts of the Constitution. The Commons in the Counties are represented by the Grand Jury, who are to enquire and present what is amiss there ; and the Lords, by the Free-holders, who are the Judges. And as the Counties have their Court once in a Month, the Kingdom their Courts of Common Law for private and ordinary matters, four times in the year, that is in effect, once in a Quarter, so the whole State had, and still ought to have their Session for Publick and Extraordinary matters concerning the whole Kingdom, once in the year. The great business of this is to enquire into, and inspect the Actions of the Great Officers, Privy Counsellors and Judges, &c. and of the King himself, if he do any thing contrary to Law, and the common Interest of the Nation ; to interpret their own Laws, where there is occasion, and resolve other Difficulties ; to receive and hear Petitions, redress Grievances, and give Relief, &c. And this is an Institution as much for the Honour, Safety and Ease of the Prince, as for the Security and Commodity of the People. For if the Prince act as he ought to do, by Advice of Privy Council, and of such persons as in their several Places are by Law to advise him : The Parliament, being to convene within the year, must needs be such a Check to them, that they will rarely dare

dare to propose any thing mischievous or illegal ; and more rarely be able to bring it to effect ; and whatever it be, the King is secure, and the Counsellor or Officer to answer for it. Now an Institution of so great Antiquity, so agreeable to the other parts of our Constitution, of so great Importance in the Government, secured by two several Acts of Parliament in the Reign of that wise and magnanimous Prince *Edm. 3.* still in force, besides others, ought not certainly to be eluded with vain Pretences of Reason of State, and abused, as it hath been, by the whole last Race of our Kings, to their own hurt, and to the great disturbance, and almost Dissolution of a most Noble Constitution, to gratifie ill Men, by long Intermissions, abrupt Prorogations and Dissolutions, and by long Continuances for no other reason but to corrupt the Members to betray their Trust. As by Law they ought to be assembled once a year, so ought they also by Law to sit effectually till all Grievances be redressed, and business dispatch'd before their Departure, *v. 4. Inst. p. 11.* For if our *Kings* by their *Oath*, be obliged to Govern according to Law, they are certainly obliged to it in this particular, it being the chief part of the Government. *Parliamentum departiri non debet dummodo aliqua Petitio pendeat indiscussa, vel ad minus ad quam non sit determinatum Responsum. Et si Rex contrarium permittat perjurus est*, saith the Ancient *Modus tenendi Parliament.* of which Mr. *Selden* allows some Copies he had seen to be as ancient as *Edm. 3.* *Tit. of Hon. p. 611.* But this is not a place to insist more largely upon this matter ; nor indeed doth it need it.



